

Educational Surrogate Parent Program
NH Department of Education • 101 Pleasant Street • Concord, NH 03301
(603) 271-3842

How to Request the Appointment of an Educational Surrogate Parent

Children need an adult to represent their interests through the “special education process”. This process may start with 1) a referral and evaluation, and may continue to include 2) the decision as to whether there is an educational disability, 3) the development of an IEP, 4) the selection of the placement and 5) monitoring of the student's progress in special education. Children whose parents are unknown, unable to be located, deceased, whose parental rights have been terminated, or whose parents have relinquished their rights are in need of an Educational Surrogate Parent.

The school district of liability must request an Educational Surrogate Parent for a child.

The School District of Liability

1. Alerts itself to a student's possible need for an Educational Surrogate Parent:
 - a) On the date of referral of any student to special education.
 - b) On the date any new special education student moves into the area and is enrolled in school.
 - c) When any special education student is taken into DCYF custody or guardianship.
 - d) When anyone believes that a special education student's parents are not acting as his/her educational representative and bring it to the attention of the local school district.
2. Conducts an investigation of the student's need for an Educational Surrogate Parent (parents are unknown, unable to be located, deceased or termination or relinquishment of parent rights has been completed).
3. Makes the decision as to whether the student needs an Educational Surrogate Parent. If the district of liability determines as a result of its investigation that a parent or guardian is available to serve as the student's educational representative, NO Educational Surrogate Parent appointment would be requested by the district of liability.
4. **Sends “written notice” to BOTH biological parents** (mother & father) informing them of the School District's decision to request the appointment of an Educational Surrogate Parent for their child OR obtains documentation of termination/relinquishment of parental rights.
5. **If neither parent objects** to the proposed appointment of an Educational Surrogate Parent, the school district requests the appointment by sending the following Educational Surrogate Parent Program forms to the NH Department of Education:
 - a. ***a completed application form.***
 - b. ***a sworn, notarized affidavit attesting to the unavailability of each parent or legal guardian.***
 - c. ***copies of the “written prior notice” sent to each parent, if applicable.***
 - d. ***copies of (or statements describing) each parent's response (or non-response) to the written prior notice OR***
 - e. ***documentation of termination/relinquishment of parental rights, if applicable.***

If either biological parent objects to the appointment of an Educational Surrogate Parent, the district of liability must respond to and resolve all objection(s) before submitting the request for an Educational Surrogate Parent. Parents retain decision-making authority regarding the student's special education until the objection is resolved. Alternatives available for resolving the objection(s) are the same conflict resolving alternatives available to all parents and school districts regarding any disagreement concerning special education.

NH Department of Education

6. Reviews the Educational Surrogate Parent Request materials for completeness and appropriateness, returning any forms for more information if necessary. **(ALL APPLICATIONS MUST INCLUDE A COMPLETED, NOTARIZED AFFIDAVIT and DOCUMENTATION REGARDING BIOLOGICAL PARENTS).**
7. Once the NH DOE verifies that application materials are complete and accurate, locates an available Educational Surrogate Parent to represent the student.
8. The NH DOE then formally appoints the Educational Surrogate Parent for the student and notifies the Educational Surrogate Parent and all other involved parties of the official assignment.